REMARKS

By this amendment, claims 1, 10, and 11 have been amended. Claims 1-11 are pending in the application. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

The Office Action asserts on page 3, line 5 that "black is generally considered to be a low intensity since there is little to no light reflected from a black surface." The specification, however, discloses that the "back projection image can be eliminated by changing data corresponding to the back projection image to a low intensity value corresponding to a background level (white)" (emphasis added). Specification, p. 5, ln. 3-6. As noted in the Office Action at p. 2, ln. 18-19, the claims are read in light of the specification, which, in this case, defines "low intensity value" as corresponding to white.

Claims 1-2 and 4-6 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Lee et al. (US 6,190,913). This rejection is respectfully traversed.

Claim 1, as amended, recites an image data correcting device comprising, *inter alia*, "determining means for determining whether the first image data corresponds to a halftone image ..., wherein the determining means retains the first image data without change when the first image data corresponds to the halftone image" (emphasis added). Lee et al. does not disclose this limitation. Lee et al. discloses that "[o]nce the halftone pixels in a document image are labeled as represented in the halftone line map on output 18 of FIG. 1, halftone pixel removal process 20 of FIG. 1 is started and strictly applied to the halftone pixels only." Col. 8, ln. 36-41. There is no determining means that retains the first image data without change when the first image data corresponds to the halftone image as recited in claim 1. Since Lee et al. does not disclose all the limitations of claim 1, claim 1 and dependent claims 2 and 4-6 are not anticipated by

Lee et al. Applicants respectfully request that the 35 U.S.C. § 102(a) rejection of claims 1-2 and 4-6 be withdrawn.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. in view of Stoffel (US 4,194,221). This rejection is respectfully traversed. Claim 3 depends from claim 1 and is patentable at least for the reasons mentioned above. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claim 3 be withdrawn.

Claims 7-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. in view of Sakamoto et al. (US 5,235,436). This rejection is respectfully traversed. Claims 7-9 depend from claim 1 and are patentable at least for the reasons mentioned above. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 7-9 be withdrawn.

Claims 10-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. in view of Hanyu (US 5,995,658). This rejection is respectfully traversed. In order to establish a *prima facie* case of obviousness "the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P. §2142. Neither Lee et al. nor Hanyu, even when considered in combination, teach or suggest all limitations of independent claims 10 or 11.

Claims 10 and 11 recite an image data correcting device comprising, *inter alia*, "determining means for determining whether the first image data corresponds to a halftone image ..., wherein the determining means retains the first image data without change when the first image data corresponds to the halftone image" (emphasis added). Lee et al. does not teach or suggest this limitation. As discussed above regarding the patentability of claim 1, Lee et al. teaches that "[o]nce the halftone pixels

in a document image are labeled as represented in the halftone line map on output 18 of FIG. 1, halftone pixel removal process 20 of FIG. 1 is started and strictly applied to the halftone pixels only." Col. 8, ln. 36-41. There is no determining means that retains the first image data without change when the first image data corresponds to the halftone image as recited in claims 10-11. Nor is Hanyu cited for this limitation. Thus, Hanyu does not remedy the deficiency of Lee et al. Since Lee et al. and Hanyu do not teach or suggest all of the limitations of claims 10-11, claims 10-11 are not obvious over the cited references. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 10-11 be withdrawn.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

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